# BIRCH, STEWART, KOLASCH & BIRCH, LLP

INTELLECTUAL PROPERTY LAW

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Date: November 20, 2003

Docket No.: 4450-0414P

# MS PATENT APPLICATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

 $\boxtimes$ 

Transmitted herewith for filing is a patent application claiming priority under 35 U.S.C. § 119(e) of Provisional Application No(s). 60/427,741 filed on November 20, 2002.

Inventor(s): SRIDHAR, Balakrishnan; BAO, Jun

METHOD AND APPARATUS FOR OPTICAL AMPLIFYING DEVICE GAIN For:

CONTROL WITH GAIN THRESHOLD

## Enclosed are:

$\boxtimes$	A specification consisting of Twenty-nine (29) pages
$\boxtimes$	Seven (7) sheet(s) of formal drawings
$\boxtimes$	An assignment of the invention
$\boxtimes$	Applicant does not claim priority
	Applicant claims the right of priority under 35 U.S.C. § 119 based on Application No(s). filed in on . Certified copy(ies) is(are) attached hereto. Certified copy(ies) will follow.

Executed Declaration ( Original Photocopy)

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	Applicant claims small entity status under 37 C.F.R. § 1.27.
	Preliminary Amendment
	Application Data Sheet in accordance with 37 C.F.R. § 1.76
	Information Disclosure Statement, PTO-1449 and reference(s)
	Applicant requests early publication - \$300.00 publication fee
$\boxtimes$	Non-publication Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)
	Other:
$\boxtimes$	Provisional application filed in English: $\square$ YES $\square$ NO
	If "NO," an English translation with a Statement of Accuracy:  is attached hereto  will follow.

The filing fee has been calculated as shown below:

8

			LARGE ENTITY	SMALL ENTITY		
	BASIC	FEE	\$770.00	\$385.00		
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE		
TOTAL CT.ATMS	31- 20 =	7	X 18 =	x 9 = \$0.00		
INDEPENDENT CLAIMS	3- 3 =	0	x 86 = \$0.00	x 43 = \$0.00		
ı — ···	LE DEPENDEN PRESENTED	T	+ \$290.00	+ \$145.00		
		TOTAL	\$968.00	\$0.00		

$\bowtie$	A check in	n the	amount	of	\$1008	3.00	to	cover	the	filing	fee	and
	recording	fee	(if app	lica	able)	is	encl	losed.				

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

Docket No. 4450-0414P

□ Please send correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 02292 P.O. Box 747 Falls Church, VA 22040-0747 (703) 205-8000

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Ву\_

Michael R. Cammarata, #39,491

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

MRC/cqc 4450-0414P

Attachment(s)

(Rev. 10/27/03)

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Respectfully submitted,

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MRC/cqc 4450-0414P

Attachment(s)

(Rev. 10/27/03)

PATENT 4450-0414P

## IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: SRIDHAR, Balakrishnan et al. Conf.:

Appl. No.: New Group:

Filed: November 20, 2003 Examiner:

For: METHOD AND APPARATUS FOR OPTICAL

AMPLIFYING DEVICE GAIN CONTROL WITH

GAIN THRESHOLD

REQUEST AND CERTIFICATION
UNDER 35 U.S.C. § 122(b)(2)(B)(i)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

November 20, 2003

Sir:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

This request must be signed in compliance with 37 C.F.R. § 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time.

If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled

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for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Michael R. Cammarata, #39,491

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